

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA,

Plaintiff,

V.

**Land and Buildings Located at 4 Partridge Hill Road,
Newfields, New Hampshire, with all Appurtenances and
Improvements thereon, owned by David Russo and
Lisa Russo, et als.**

Defendants-in-rem.

CIVIL NO. 06-CV-401-JD

**FINAL ORDER OF FORFEITURE AS TO \$151,538.99 OF \$207,406.49
IN SUBSTITUTED *RES*, AND TO DISMISS THE BALANCE OF \$55,867.50
TO CLAIMANT, DAVID RUSSO**

1. This action in rem was brought on October 26, 2006 by Verified Complaint for Forfeiture in Rem, amended thereafter on November 20, 2006, seeking the forfeiture of the defendant in rem 4 Partridge Hill Road, Newfields, New Hampshire, titled to David Russo and Lisa Russo, pursuant to 21 U.S.C. § 881(a)(7).

2. Th Amended Complaint was served on all known potential claimants, including David Russo, through his counsel, Mark L. Sisti, Esq. David Russo filed his claim on March 23, 2007.

3. The defendant in rem 4 Partridge Hill Road, Newfields, New Hampshire, was sold pursuant to an interlocutory sale order issued by this Court on August 7, 2007. The net proceeds realized from the sale of the defendant in rem real property, \$207,406.49, has been substituted as a “substitute res” for the defendant in rem real property.

4. The parties have reached an agreement which provides for the forfeiture of \$151,538.99 of the substituted *res* of \$207,406.49, and for the dismissal of the balance of \$55,867.50 to claimant, David Russo, through his attorney, Mark L. Sisti, Esq.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. That all right, title and interest to \$151,538.99 of the substituted *res* of \$207,406.49, is hereby condemned, forfeited and vested in the United States of America pursuant to 21 U.S.C. § 881(a)(7), free from the claims of any other party;

B. That \$151,538.99 shall be disposed of by the United States Marshal's Service (USMS), from which amount the USMS shall deduct its costs related to this proceeding in accordance with the applicable law and regulations. These funds, less costs to the USMS associated with the defendant in rem, shall be deposited into the Department of Justice Asset Forfeiture Fund in accordance with Title 28, United States Code, Section 524(c) and Title 21, United States Code, Section 881(e);

C. That the remaining balance of \$55,867.50 be dismissed and released by the USMS to claimant, David Russo, through his attorney, Mark L. Sisti, Esq., in the form of a check payable to "David Russo and Mark L. Sisti, Esq.";

D. That David Russo shall bear his own cost of this proceeding, including attorney's fees, if any.

The Clerk is hereby directed to send two certified copies of this Order to the USMS and two certified copies to the United States Attorney's Office, Attention: Assistant U.S. Attorney Robert J. Rabuck.

Dated: March 18, 2008

/s/ Joseph A. DiClerico, Jr.

UNITED STATES DISTRICT COURT JUDGE